

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Anantapur District - Revision Petition filed by Sri N.Ramanna & 2 others, R/o Buddappa Nagar, Anantapur against the orders of Jt. Collector, Anantapur Dist in Procd D.Dis No. E4/7170/05, dt. 22.11.08 - Allowed - Orders - Issued.

REVENUE (ASSIGNMENT. V) DEPARTMENT

GO.Ms.No. 15

Dated: 10-01-2013

Read the following:

1. Revision Petition filed by Sri N.Ramanna & 2 others, Anantapur, dt. 28.5.2010.
2. The Commr of Appeal, O/o CCLA, Hyd, Procd No. BCW1/768 /08, Dated 07.10.10.
3. Govt. Memo. No.26944/AssnV(2)/2011, dt. 29.4.2011& 22.09.2011.
4. From the Collector, Anantapur, Rc.No. 593/09(E4), dt.14.6.11.
5. Govt.Memo.No.26944/Asn.V(2)/2011,Dt:10.11.2011.,15.11.2011., 27.04.2012.,14.05.2012 and dt. 17.08.2012.

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Order

In the reference 1st read above, Sri N.Ramanna & 2 others, R/o Buddappa Nagar, Anantapur Legal heirs of M. Ramachndra filed Revision Petition before the Government against the orders of Joint Collector, Anantapur District issued in Procd D.Dis No. E4/7170/05, dt. 22.11.08.

2. In the reference 3rd read above, the District Collector, Anantapur has reported that the land to an extent of Acs. 5.00 cts in Sy.No.159-2B/3A of Rapthadu village & Mandal of Ananthapur District was originally assigned in favour of Sri.K.Narasimhulu, S/o.K.Narasappa of Kandukur village of Anantapur (M) in DAR Dis. No.112/77, Dated:7.8.1967. Subsequently the land was resumed to Government under Section 4 (1) (b) of Act 9/77, vide the Proceedings of Tahsildar, Rapthadu, in R.Dis.No.129/2000, Dated:27.3.2000 later on the same land was reassigned to M. Ramachandra S/o.M.Chippa Ramudu of Rapthadu (V) vide DAR Dis. No.12/1410, Dated:16.9.2000.
3. Aggrieved by the above orders, Smt. K.Narasamma, W/o.Late. Narasimhulu has filed an appeal before the RDO, Anantapur. The RDO, Anantapur in his Proceedings in D.Dis.No.D2/818/02, Dated:29.10.2005, has dismissed the said appeal and has confirmed the orders of Tahsildar, Rapthadu, on the ground that there are no valid reasons to interfere with the orders passed by the Tahsildar.
4. Aggrieved by the said orders Smt. B. Saroja. W/o. Narayanaswamy and three others of Anantapur town Legal heirs of late Narasimhulu have filed an appeal before the Joint Collector, Anantapur. The then Joint Collector, Anantapur has set aside the orders of Revenue Divisional Officer, Anantapur and the Tahsildar, Rapthadu on the ground that there is no alienation as assigned land is found, it was kept vacant, hence it attracts only violation of conditions of grant of patta for not cultivating the assigned land within three years but the same is not attracted the provisions of Act, 9/77 and there is procedural irregularity in the orders of Tahsildar, Rapthadu.

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5. Hence, the Joint Collector, Anantapur, while setting aside the orders of the R.D.O. Anantapur, issued vide Procd. D.Dis. No.D2/818/02, Dated:21.8.05, and as well as the orders of the resumption proceedings of Tahsildar, Rapthadu, issued in R.Dis.No.129/2000, Dated:27.3.2000, has allowed the appeal filed by Smt. Narasamma, Wo.Late. Narasimhulu, and passed orders vide his proceedings D.Dis.No.E4/7170/08, Dated:22.11.08, directing the Revenue Divisional Officer, Anantapur, and Tahsildar to take appropriate necessary action for violation of patta conditions duly giving reasonable opportunity to all concerned.

6. Aggrieved by the above orders, the Legal heirs of M. Ramachandra filed an appeal before the Commissioner of Appeals, O/o.C.C.L.A., Hyderabad, against the orders of Joint Collector, Anantapur issued dt. 22.11.2008. The Commissioner of (Appeals) has admitted the appeal petition and called for the para wise remarks and connected records vide CCLA, Hyd. Rc. No. BCW1/768/08, dt. 08.01.2009.

7. Later, the petitioner has filed an appeal before the Government, stating that due to over sight, and lack of proper legal knowledge they filed an appeal before of Commissioner of Appeals, Hyderabad, as the Hon'ble High Court already held in 2006 (6) ALD page 418 categorically held that the person aggrieved by the orders of Collector, can prefer Revision before the Government/Commissioner of Appeals or any authority has provisional jurisdiction against the orders of the Joint Collector. Hence while withdrawing the appeal filed before the Commissioner of Appeals, O/o. C.C.L.A., they preferred appeal before the Government, with a delay condonation petition.

Grounds :

8. The petitioner has filed the R.P. before the Government on the following grounds:

1. The Tahsildar, resumed the land and reassigned the land in favour of late Ramachandra after following the procedure under relevant Sections of A.P. POT Act, 1977.
2. The order of the Joint Collector, Anantapur is not shown any Zonafide reasons for setting aside the orders of RDO, Anantapur, and the Tahasildar, Rapthadu.

9. Government have decided to admit the Revision Petition filed by the applicant, and accordingly the Collector, Ananthapur has been requested to furnish the parawise remarks along with connected records, and on the report of the Collector, Ananthapur, the original records have been obtained from the Commissioner of Appeals, O/o. the C.C.L.A. Hyderabad.

10. The case was called for hearing several times and finally heard on 30.10.2012.

11. The Tahsildar, Rapthadu Mandal, the Counsel for the petitioner, and the advocate for Respondents (R. 4-7) also present and made arguments.

12. After hearing the arguments of both parties and based on the available Revenue Records, the Government have observed that the land to an extent of Ac. 5.00 cts. in Sy.No. 159-2A/3B of Rapthadu village and Mandal was originally assigned to Sri K. Narasimhulu of Kandukur village of Anantapur in D.A.R. Dis. 112/77 dated 07.08.1967 and the original assignee or his legal heirs never cultivated the land.

13. It is further observed that the Mandal Revenue Officer, Rapthadu had resumed the land to Government under Section 4 (1) (b) of Act 9/77, vide Proceedings R.Dis.No.129/2000, Dated:27.3.2000, later on the same land was reassigned to Sri M. Ramachandra S/o.M.Chippa Ramudu of Rapthadu village vide DAR Dis. No.12/1410, Dated:16.9.2000.

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14. It is also observed that the Legal heirs of original assignee Sri. K.Narasimhulu have no right to question the assignment proceedings granted in favour of Late Ramachandra because the legal heirs failed to question the orders passed in R.Dis.129/2000, Dated:27.3.2000 resuming the land under provisions of the POT Act.

15. Further, It is also observed that the above land was assigned in favour of Sri Ramachandra, and he has spent huge amount for making the land fit for cultivation.

16. In view of the above, , there is no valid grounds to interfere with the orders passed by the RDO, Anantapur in his Proceedings in D.Dis.No.D2/818/02, Dated:29.10.2005, and there by, set aside the orders of the Joint Collector, Anantapur issued in Proceedings D.Dis No. E4/7170/05, dt. 22.11.08.

17. Hence, the Revision Petition is hereby allowed.

18. The following original records received from the Spl.CS & CCLA. vide letter No, BCW1/394/2011, dt. 01.08.2011 are herewith returned to the District Collector, Anantapur.

1. R.Dis.129/2000, dt.27.7.2000 pages 15
2. Collector, D. Dis. 7170/05, dt.22.11.08
3. DAR Dis.12/1410, dt.16.9.2000 pages 20
4. D. Dis. 818/02, dt.29.10.05 (RDO)

19. The Collector, Anantapur District shall take necessary action accordingly, and acknowledge the receipt of above records early.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**ANIL CHANDRA PUNETHA
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The District Collector, Anantapur (we.)

Copy to:

Sri N.Ramanna & 2 others, R/o Buddappa Nagar,
Anantapur (*Through Tahasildar, Rapthadu (M)*)
The Special Chief Secretary and Chief Commissioner of
Land Administration., AP. Hyderabad.
The Tahasildar, Rapthadu Mandal, Anantapur District.
Sri. N. Aswarthnarayana, Advocate,
R/o 6-2-951/A/1,Sadaf Habijath Apts.,
Plot.No.204, 2nd floor, Chintala basti,
Khairatabad, Hyderabad.
Sc./Sf.

//FORWARDED :: BY ORDER//

SECTION OFFICER